

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2015-094016

01/08/2016

HONORABLE JAMES D. SMITH

CLERK OF THE COURT  
K. Roehl  
Deputy

IN RE THE MARRIAGE OF  
BRIAN WILLIAM TANNER

HEATH H MCWHORTER

AND

HOLLY JEANNETTE TANNER

HOLLY JEANNETTE TANNER  
22353 E CREEKSID CT  
QUEEN CREEK AZ 85142

PAMELA DAVIS  
P O BOX 1163  
PEORIA AZ 85380

**TRIAL SET**

The Court is in receipt of Petitioner/Father's *Notice of No Settlement and Motion to Set and Certificate of Readiness* filed January 5, 2016.

**IT IS ORDERED** setting **Trial** to the Court regarding Petitioner/Father's *Petition for Dissolution of Non-Covenant Marriage with Children* filed June 5, 2015 on **September 1, 2016 at 1:30 p.m.** (time allotted: 3 hours) before the Honorable James D. Smith at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 404  
Mesa, AZ 85210

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2015-094016

01/08/2016

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of trial must be brought to this division **no later than August 25, 2016, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. Exhibits must be timely submitted to the division clerk. If a party does not submit an exhibit at least 5 judicial days before the hearing, the Court may exclude the exhibit or, alternatively, deduct the time required to mark the exhibit from the offering party's time at the hearing/trial. For ease of reference, each page of a multi-page exhibit should be consecutively numbered even if this means a party must number them. The parties or their counsel should meet/confer to coordinate the exhibits they submit. This will avoid duplicative exhibits, help eliminate unnecessary exhibits, and ensure consistent numbering. The Court appreciates bench copies of exhibits in a binder with tabs correlating to the actual exhibit numbers. Please label such bench copy binders on the spine with the case name, case number, and date of hearing/trial.

**NOTE:** *We do not hold spots for supplemental exhibits.*

**IT IS FURTHER ORDERED** that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this division by no later than **August 25, 2016.**

**IT IS FURTHER ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **August 1, 2016**. Unless otherwise set by court order, however, the time for expert disclosures remains at least 60 days before trial. Ariz. R. Fam. L. P. 49(H).
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **August 1, 2016**.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2015-094016

01/08/2016

3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

**IT IS FURTHER ORDERED** that counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this division by no later than **August 25, 2016**. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt."
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-Trial Statement those exhibits they have agreed will be admissible at trial, as well as any specific objections that will be made to any exhibit, if offered at trial, that is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements, and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before trial. If you make a written request before trial, the Court will make conclusions of fact and law as part of the final decision.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2015-094016

01/08/2016

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Trial Statement.

**NOTICE:** A child should not be brought to the courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.